

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF INDIANA  
FORT WAYNE DIVISION

IN THE MATTER OF:

CHARLES ALVIN POGUE  
CONNIE IRENE POGUE

Debtors

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CASE NO. 05-11079

**DECISION AND ORDER**

At Fort Wayne, Indiana, on August 2, 2005.

The notice of motion and opportunity to object which debtors (hereinafter “Movants”) served in connection with their motion to avoid the lien of Beneficial Indiana does not comply with the requirements of N.D. Ind. L.B.R. B-2002-2 because:

- a. The notice does not correctly state the date upon which the motion was filed. N.D. Ind. L.B.R. B-2002-2(c)(2). The motion was filed on May 26, 2005, while the notice refers to a motion filed on May 25, 2005.

Since creditors and parties in interest have not been given appropriate notice of the motion and the opportunity to object thereto, the court cannot grant it at this time. Movants shall prepare and serve an Amended Notice of Motion and Opportunity to Object which complies with N.D. Ind. L.B.R. B-2002-2 and file proof thereto within fourteen (14) days of this date. See, N.D. Ind. L.B.R. B-9013-4(a). The failure to do so will result in the motion being denied without prejudice and without further notice.

SO ORDERED.

/s/ Robert E. Grant  
Judge, United States Bankruptcy Court